

Rethinking Posse Comitatus: The Use Of Military Force In Combating Urban Crime Using
British Royal Marines In Northern Ireland As A Model

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SUBJECT AREA Topical Issues

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EXECUTIVE SUMMARY

Title: Rethinking Posse Comitatus: The Use of Military Force in Combating Urban Crime, British Royal Marines in Northern Ireland as a Model

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Thesis: The United States Marine Corps, in conjunction with other United States Army units, can be trained and organized to provide a viable weapon for use in the domestic urban crime environment. While the primary mission and focus of our armed forces should remain "Being ready to **fight and win** the Nation's wars,"¹ the equally real threat provided by "domestic" enemies can be addressed without the loss of combat readiness.

Background: The end of the Cold War and dwindling national resources have caused leadership in both the military and the government to reexamine our National Security Strategy and our National Military Strategy. Growing concerns about militant nationalism, ethnic and religious conflict, terrorism, narcotics trafficking, rapid population growth, refugee flows and overwhelming immigration are just as pressing for Americans within our national borders as they are on the international agenda. There is ample historic precedent for the use of military force in quelling domestic disturbances, within the confines of the Posse Comitatus Act and other limiting regulations. The factors that contributed to the rioting and violence throughout the nation in the late 1960's are still present and are showing an alarming resurgence, as evidenced by the L.A. riots of 1992. The proliferation and increased lethality of weapons available to the criminal on the streets of America make him as formidable an enemy as many of the third world nations. Cutbacks in local law enforcement and in social programs initiated to address the roots of criminal behavior portend increased demands for assistance from the military to combat gang wars, drug wars and other violent crimes.

Recommendation: While the Posse Comitatus Act continues to have relevancy, it restricts the military from providing capabilities and assets needed to aid law enforcement officials in combating crime in our nation's cities. The British Royal Marines address terrorism as "a severe form of criminal activity." Using training and employment methods proven effective by the British Royal Marines in Northern Ireland over the past 25 years, the United States Marines can and should prepare for increased demands for assistance in dealing with urban crime in America.

RETHINKING POSSE COMITATUS:

The Use of Military Forces in Combating Urban Crime Using British Royal Marines in Northern Ireland as a Model

This nation is at war. The cost in lives and property is far greater than any war we have ever fought on foreign soil. The public, the courts, and a majority of the legislators have failed to realize that we are in a war here at home. The murderer, the rapist, the thief, the organized gangs are just as deadly, just as dangerous as the Viet Cong. The police officer who does his duty is in far more peril in many ways than our soldiers overseas. He is certainly not the hero that our fighting men are in the Far East . . . yet he is fighting the war on the home front.

Frank J. Schira

I. HISTORICAL PERSPECTIVE

Frank Schira made those comments in 1968, in the aftermath of some of the worst rioting this nation had ever experienced in modern times.² Were it not for the references to the Viet Cong and the Far East, Frank Schira could be expressing the sentiments of the American public today. The end of the Cold War has caused the leadership of this country to reexamine the National Security Strategy and the National Military Strategy, with a view toward "engagement and enlargement,"³ yet many of the concerns which face our military in the global arena are just as pressing on the domestic home front. With diminished national resources, law enforcement agencies are being hit with the same force reductions and budget cuts that the military faces. Militant nationalism, ethnic and religious conflict, terrorism, narcotics trafficking, rapid population growth, refugee flows and overwhelming immigration are domestic issues which have caused increasing crime within our cities and have increased the demands on civilian law enforcement agencies. How should the United States meet these increasing demands with decreasing assets?

One answer may lie in the model provided by the British Royal Marines in their ongoing operations against terrorism in Northern Ireland. The British have chosen to treat terrorism as "an extreme form of criminal behavior,"⁴ and have proven over the past 25 years to be effective in training and employing troops to deal with this threat. While the initial mandate for military intervention came on the heels of escalating violence between warring factions, there are correlations between the underlying causes of the violence in Northern Ireland and the causes which ferment civil disturbances and growing crime in urban American. An examination of some of the broader issues behind the unrest in Northern Ireland and solutions provided by military intervention must be balanced against the lessons learned from military intervention against civil disturbances in the United States. Each member of the American military, regardless of rank or branch of service, takes an oath which promises (in part) "to support and defend the constitution of the United States against all enemies, **both foreign and domestic** . . . " Perhaps it is time to focus on what we can do to combat domestic enemies.

II. HISTORICAL FOUNDATIONS OF CIVIL MILITARY RELATIONS

Independence and the Constitution

The long-standing relationship between the United States military and the civilian population we have sworn to protect and serve must be studied from within a historical framework to gain a better understanding. The Declaration of Independence and the Constitution of the United States, two of the sacred documents of our democracy, make specific reference to civil-military relations; however, they must be examined in the context of their times.

The Declaration of Independence, adopted in Congress 4 July 1776, outlines the grievances of the thirteen United States of America, two of which apply directly to the role of the

British military as employed against the colonies.

"The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world . . .

He has kept among us, in times of peace, standing armies without the consent of our legislature.

He has affected to render the military independent of and superior to civil Power . . .”⁵

The drafters of the Declaration of Independence were operating from a framework under which the military served as the strong arm of repression for the King Of Great Britain. It is small wonder that the drafters of the Constitution of the United States of America would take great pains to ensure that their newly formed government did not replace military repression by the King's men with military repression by a professional army recruited from its own citizens.

The Constitution authorized Congress to "provide and maintain a navy" and "raise and support armies," however, by limiting Army appropriations to two years, a standing army was only possible with Congress's continued consent. Congress also had the responsibility to provide for "calling forth" the militia and retained the power to declare war. As a balance, the Constitution made the President the Commander in Chief of the Navy and Army and the militia "when called into the actual service of the United States." The new Constitution established a dual-military tradition which remains today: a standing Army of regulars controlled by President and the Congress and a militia largely under the control of the individual states.⁶

When the Constitution was initially sent to the states for ratification in 1787, it did not

mention any of the personal liberties or individual rights which they had come to believe were theirs. Many of the states demanded that a "Bill of Rights" be added to the Constitution prior to ratification. The first ten amendments to the constitution were drafted in response to these concerns. As added to the Constitution in 1791, the first ten amendments became known as the "Bill of Rights." The second and third amendments specifically address fears of the people regarding the role of the military and excessive intrusions into their liberties.

Amendment 2. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Amendment 3. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.⁷

While it is clear that the people of the United States wanted to ensure that federal troops were not used against them in the manner that the British troops had been, it is also clear that the threat to their security was very different than the threats facing the United States today. In allowing citizens the right to bear arms, it is safe to assume that security in a frontier environment or the need to form a militia to guard against foreign invasion was the concern of the drafters. Some would argue today that defense against an oppressive federal government was the basis for the 2nd Amendment. In Federalist No. 25, Alexander Hamilton wrote to the People of the State of New York arguing the basis of the need for a federal militia. He attempted to define "in time of peace" as weighed against an environment of threatening or impending danger and argued that "the steady operations of war against a regular and disciplined army can only be successfully conducted by a force of the same kind . . . War, like most other things, is a science to be acquired and perfected by diligence, by perseverance, by time and by practice."⁸ I would

argue that Hamilton recognized the need to tailor the military forces, training and employment to the specific threat at hand.

The Calling Forth Act

The initial translation of the Constitution's military provisions into practical policy required delicate negotiations between nationalists who feared foreign invasion and antinationalists who feared a despotic central federal government. The compromise arrived at took the form of two laws passed in 1792: the Calling Forth Act and the Uniform Militia Act. The Uniform Militia Act was the framework for basic militia law until the twentieth century. Making universal military service a requirement for all able-bodied men, aged eighteen to forty-five, it also required men to arm and equip themselves and outlined a tactical organization for the states to follow on a "voluntary basis" in establishing their militias.⁹

The Calling Forth Act allowed Congress to "provide for the calling forth of the militia to execute the laws of the union, suppress insurrection and repel invasions."¹⁰ The Congress delegated the authority to call forth the militia to the President and gave him free reign in situations involving foreign invasions. Congress was much less generous in situations involving calling for the militia to execute laws or suppress insurrections. In these instances, several protections were inserted into the law to prevent an upset of the delicate balance between the state's sovereignty, individual liberty and the federal government's powers to "provide for the common defense" and "secure domestic tranquillity." Before the President could call forth the militia for use in "domestic" situations a federal judge had to certify that the civil authority was powerless to deal with the crisis. In addition the President had to formally order the "insurgents" to disperse and provide them an opportunity to comply.¹¹ The President was not authorized to

use regular Army troops for domestic matters.¹² The Calling Forth Act was modified slightly in 1795 however it still retained the prohibitions against the use of regulars in domestic affairs and favored the use of the militia instead. These same restrictions, almost verbatim, exist in the wording of current laws regarding the use of the National Guard and federal troops in domestic disturbances, as will be discussed in detail under the Posse Comitatus Act.

Changes in Response to Insurrection and Civil War

The first major change in the law regarding the employment of Army regulars was enacted in 1807 in response to the alleged treasonous acts of Aaron Burr.¹³ President Thomas Jefferson, perceiving a threat to the union in Burr's alleged conspiracy, won passage of a law which authorized the president to use regulars in all cases where the Calling Forth Act of 1797 authorized the use of the militia.¹⁴ This gave the President the power to use regulars against domestic disturbances, a power which was retained until after the Civil War.

Laws governing the role of the military in civil disturbances were largely unchanged until the 1870's during the Reconstruction period. It was during this period that the law which later became known as the Posse Comitatus Act came into effect.

Posse comitatus is a Latin phrase which means "force of the country" It was an ancient English institution which consisted of a force of able-bodied citizens who were summoned by the sheriff to assist in maintaining public order. As the sheriff's office gradually lost its military functions, the *posse comitatus* became a purely civil instrument. While intended to serve the purpose of maintaining peace and pursuing criminals while under the command of the sheriff, it also included a requirement to obey the call to military duty for defense of the country. The

penalty for failure, to answer "the call" included forfeiture of property and servitude.¹⁵ *Posse comitatus*, under this definition, was most frequently used, on the western frontier, when the local sheriff would organize a *posse* of citizens to assist in the apprehension of a criminal.

In the aftermath of the Civil War the nation was experiencing continued bloodshed and turmoil over the enforcement of reconstruction efforts in the southern states. The South's challenge to federal reconstruction policy was a reign of terror led by a powerful paramilitary organization in the form of the Ku Klux Klan. A general serving in Tennessee wrote, "The Ku Klux organization is so extensive and so well organized and armed, that it is beyond the power of any one to exert any moral influence over them. Powder and ball is the only thing that will put them down."¹⁶ The state governments were powerless to control the situation and it appeared that only the national government and the Army had the resources to quell what was seen to be an insurrectionist threat.

The Birth of Posse Comitatus

In 1870 President Ulysses S. Grant asked Congress for legislation to extend federal jurisdiction over certain crimes against people and property which had previously fallen under the purview of the states. Between April 1870 and November 1871, the Congress passed a series of acts, known as the Enforcement Acts, which drastically altered the role of the federal government and the federal militia in law enforcement. The first act made it a federal crime to coerce or prevent citizens, including blacks, from exercising their right to vote as guaranteed under the Fifteenth Amendment. The second act authorized federal courts to appoint election supervisors and made it a federal offense to interfere with an election supervisor in the execution

of his duties. In addition this act authorized federal marshals and their deputies to summon bystanders or "such portion of land or naval forces, or militia, as may be necessary" to act as a *posse comitatus* to enforce compliance with the law. The third act, which was the most controversial, gave the President the power to enforce the laws of the union by the employment of the militia or the land and naval forces of the United States.¹⁷

The third Enforcement Act, which became part of the permanent law governing the intervention of federal military forces in domestic affairs, did not meet with universal approval. Although the immediate result was dramatic reduction in the violence and successful enforcement of reconstruction, many southerners resented the use of federal troops in places where the state government had been reestablished. The use of the military was particularly odious when it was seen to be directed toward altering the outcome, of elections in Southern States, using federal troops to provide security and law enforcement in polling places. There was a perception that the excessive use of the military, constant military presence in the streets of Southern cities and abuses by the Army would create a permanent "military occupation." The fears of the founding fathers regarding the employment of standing armies against domestic conflict and the use of the Army in enforcing federal laws were echoed in the sentiments of the Southerners, who viewed the post-Reconstruction changes in the law as an example of a strong government's armed tyranny.

The Posse Comitatus Act was passed into law in 1878 and effectively put an end to the use of the Army to supplement civilian law enforcement officials. It stated that the Army could only be used for domestic disturbances in situations expressly authorized by the Constitution or by an Act of Congress. Despite the violation of federal laws, military personnel could not be

used to make arrests, search civilians or to conduct tribunals as long as state governments were not in danger of being overthrown.¹⁸

The military had viewed their duty in the South as onerous. In a thankless political situation, where Northerners believed the Army had done too little and Southerners believed they had done too much, the military welcomed the restrictions which the Posse Comitatus Act imposed. No more civilian law enforcement and back to fighting wars! This was not to be the case. Over the next twenty year the Army was called in to provide military intervention to resolve numerous labor disputes, beginning with the railway strike in 1877 and expanding into coal miners' strikes and demonstrations by urban unemployed. Private security forces, local police and even the National Guard militia were not able to restore order, but the Army met with success. Despite the fact that the Army had no contingency plan and the government had no policies for dealing with the strikers and domestic disturbances, the Army was able to restore order and break the strikes. While local police, private security guards and the National Guard were responsible for over 100 deaths in fighting the labor strikes of 1877, there were no deaths attributed to the Army.¹⁹ This same restraint is a characteristic which would be seen in the military's actions in dealing with riots and civil disturbances in the 1960's and again in 1992.

III. POSSE COMITATUS

Current Law

For most military members the term *posse comitatus* has a much different connotation, derived from The Posse Comitatus Act, Title 18, Section 1385 of the United States Code (1982).

The Posse Comitatus Act, hereafter referred to as PCA, provides:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than \$10,000 or imprisoned not more than two years, or both.²⁰

The basic rules of the PCA are:

1. Avoid law enforcement confrontations
2. No search, seizure, arrest or similar activity
3. No pursuit of individuals
4. No surveillance of individuals/Point Targets
5. No blocking of ingress or egress
6. No interrogation
7. No investigative activity
8. No undercover operations

Recent Changes to the Posse Comitatus Act

Several aspects of the PCA have been modified in the past few decades to deal with changes in criminal patterns and perceived threats to the security of United States citizens. These

changes were made for several reasons:

- a. the military possessed unique skills or equipment which could aid in combating the crime,
- b. the civilian agencies (to include local law enforcement, Department of Justice, Federal Bureau of Investigation and National Guard assets) lacked sufficient personnel, training or equipment, and
- c. the criminal activity was sufficiently large in scope to be considered a threat to national security.

The two most significant recent changes to the PCA are in the areas of counter-drug and counter-terrorism operations. In the aftermath of the February 1993 bombing of the World Trade Center in New York City and the April 1995 bombing of the Federal Building in Oklahoma City, new anti-terrorism legislation was proposed (and passed in 1996) which expanded the role of the military in assisting the Federal Bureau of Investigation and the Department of Justice in combating terrorism. The increase in the threat from terrorism caused loosening on the restrictions of the PCA to allow the military to assist in providing equipment, training, intelligence and other expertise to the lead civilian counter terrorist agencies.

In 1982, sections 371-381, Title 10, United States Code, (Military Support For Civilian Law Enforcement Agencies, known as the CLEA Statutes) were enacted as a measure to assist in stemming the flow of illegal drugs from abroad and to maximize the cooperation between the military and civilian agencies in counter-narcotics operations. These sections allow the military to turn over intelligence information relevant to drug interdiction to CLEAS, require that planning and execution of military training operations take into account the

CLEAS needs for information, allow the use of military equipment and facilities, authorize the military to train and advise civilian law enforcement officials and provide for military personnel to maintain and operate equipment for detection and monitoring of narcotic trafficking across national borders.

Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) is the overall coordinator for federal response to all presidentially declared domestic disasters and emergencies. FEMA developed the Federal Response Plan (FRP) as a blueprint to provide an "off-the-shelf" response to emergencies and disasters. A joint Army/Marine Corps publication (FM 100-19/FMFM 7-10) *Domestic Support Operations*, outlines the role of the Army in providing support to federal, state and local agencies for disaster assistance, environmental assistance, law enforcement and community assistance operations. Although this document is a joint publication, specific guidance for the Marine Corps is mentioned only in the title. Due for revision in 1997, there will probably be significant changes, specifically in the role of the Marine Corps based on the downsizing and bases closures which have occurred since the order was published in 1986.

FEMA does not get involved in disasters or civil disturbances unless the severity of the situation exceeds the state and local capabilities. When that happens, the state governor can request that the President declare a state of disaster. This, in turn, leads to the commitment of federal funds, and FEMA is called in to become the lead agency. Until the time that the efforts become federalized, the National Guard assets are paid based on state regulations and are not governed by the restrictions of Posse Comitatus in regards law enforcement efforts.²¹

The guiding principle behind the military response to national disasters and domestic disturbance is to recognize that the civil authorities have the primary authority and responsibility. The National Guard, in state active duty status, has the primary role in providing military disaster assistance while the Army and the Marine Corps play supporting roles.²² The United States and its territories, possessions and lands fall under ten federal regions that provide support on a national basis. Military assistance is also usually provided based on the proximity of the available units, with additional consideration being given to the unique requirements of the particular disaster (flooding, fire, earthquake, etc.)²³

The Secretary of the Army is the Department of Defense executive agent for military support to civilian authorities during disasters and domestic emergencies. The Secretary of the Army works through an Army Staff Agent, the Director of Military Support, to task the other services, defense agencies and Commanders in Chiefs to provide support to other federal, state and local civilian agencies.²⁴

Regulations regarding military domestic support operations center around the response for natural disasters such as hurricanes, floods, earthquakes and fires. In a study being performed by the Center for Naval Analyses, the military response to four recent disasters was examined: Hurricane Andrew (Fall 1992), southern California fires (Fall 1993), the Los Angeles earthquake (January 1994), and the Georgia floods (July 1994). The study found that each of these emergencies differed in type, scope and location, therefore the response had to be flexible. Coordination with civilian agencies suffered from lack of continuity and unfamiliarity with the structure of military support operations.²⁵

IV. POSSE COMITATUS AND CIVIL DISTURBANCES

Federal Regulations

In the area of civil disturbances, the role of the military in dealing with violations of civil law has been further clarified and codified in Title 10, United States Code, sections 331-334 (Civil Disturbance Statutes -initially enacted after the riots and civil disturbances of the 1960s and modified in 1982) and sections 371-381 (Military Support For Civilian Law Enforcement Agencies, known as the CLEA Statutes - enacted in 1982.) The Civil Disturbance Statutes authorize the use of military personnel to enforce civilian laws where:

10 U.S.C. (Section 331) the state has requested assistance;

10 U.S.C. (Section 332) the President considers it necessary to enforce Federal laws whenever "unlawful obstructions, combinations or assemblages, or rebellion against the authority of the United States make it impracticable to enforce the law of the United States;" or

10 U.S.C. (Section 333) the President considers it necessary to protect civil rights "in any insurrection, domestic violence, unlawful combination, or conspiracy if it hinders the execution of state or federal laws resulting in deprivation of rights secured by the constitution . . . or opposes or obstructs the execution of the laws of the U.S. or impedes the course of justice under those laws."²⁶

These restrictions on the President's authority to employ the military against domestic disturbances are almost directly parallel to the restrictions placed upon the President by the Calling Forth Act of 1792.

While the Posse Comitatus Act only refers specifically to the Army and Air Force, the Department of the Navy by secretarial regulation, has adopted self-imposed restrictions in keeping with the PCA (Secretary of the Navy Instruction 5820.7B, entitled Cooperation With Civilian Law Enforcement Officials - March 1988.)²⁷ In addition, numerous other Department of

Defense Regulations, the National Defense Authorization Acts, Army and Air Force Regulations and Field Manuals provide amplification of the exceptions and applications of the Posse Comitatus Act and the Civil Disturbance and CLEA Statutes of the United States Code.²⁸

Department of Defense Role in Civil Disturbances

The Department of Defense Directive on Military Assistance for Civil Disturbances (MACDIS) outlines the relationship and structure of the military role in dealing with civil disturbances. Reiterating that the primary responsibility for protecting life and property and maintaining law and order in the civilian community rests in the State and local governments, it notes that supplementary assistance will normally come from specific federal agencies other than the Department of Defense. Managing the Federal response to civil disturbances rests with the Attorney General of the United States, however military forces employed in MACDIS operations will remain under military command and control at all times.²⁹ Although the Army and Air National Guard have the primary responsibility to provide military support to State and local governments during civil disturbances, federal forces will not be placed under the command of National Guard authorities who have not themselves been placed on Federal active duty, i.e. "Federalized." This may present some command and control problems, but is essential to maintain the clear distinctions between federal troops and the state militia.³⁰

The Secretary of the Army is the Department of Defense Executive Agent and acts for the Secretary of Defense in all MACDIS planning, training and employment matters. This type of mission has been much less frequent than those dealing with natural disasters in recent years although there are numerous examples from history dating back to the 18th century.

V. USE OF MILITARY FORCES IN CIVIL DISTURBANCES

A Historical Perspective

With the checks and balances provided by the Posse Comitatus Act and other federal and military regulations, and as interpreted by case law and experience, how has the military been used and with what degree of success, in responding to civil disturbances and the crime that accompanies them?

The military has been called on to assist in a wide range of operations in assistance to local law enforcement agencies responding to civil disturbances. In the late 1860's Marines assisted the New York police in raids to shut down illegal breweries. From the 1870's through the 1890's the Army was used to control railroad and coal miners' labor strikes. The Marines were ordered to help guard the federal mail during strikes and postal robberies in 1894, 1921 and 1926. As recently as the 1970's the Army was called to assist in securing and delivery of mail during postal strikes and to replace striking air traffic controllers. The military has assisted in quelling prison riots, to include Marine volunteers putting down a riot on Alcatraz Island in 1946.³¹ The most significant period of involvement with civil disturbances occurred during the 1960's. Various Army, Marine Corps and National Guard units were called in to quell riots and demonstrations stemming from the civil rights movement and protests of the war in Vietnam. In 1962, Marine helicopters and Army soldiers were required to ensure that James Meredith was safely enrolled and escorted to his classes at the University of Mississippi.³² During the late 1960's, there were more than twenty outbreaks of rioting and civil disturbances in the cities of America which required the assistance of the state militia or the federal military.³³

Two case studies will be examined in detail: the Detroit riots of 1967 and the Los

Angeles Riots of 1992. These two situations were chosen because the scope of the disturbance presents an opportunity to examine the military's performance in dealing with extreme cases of crime and violence in urban environments. In addition, both riots involved the use of local law enforcement, state National Guard assets and the federal military.

Detroit, 1967³⁴

The environment in Detroit during the summer of 1967 was fertile ground for the riots which devastated the city. There was a long history of conflict between the predominantly white police department and black citizens going back to the labor battles in the 1930's when the police were used as a strike breaking force. Labor riots in 1943 had resulted in 43 deaths. In the month before the riot, the killing of a young black prostitute attributed to a Vice Officer and the killing of a 27 year old black Army veteran by a white youth gang had raised the level of tension to a boiling point. As was often the case, the riots were sparked by a relatively trivial police incident but the city was ready to explode.

At 4 a.m. on July 22, a hot Saturday night, the police raided an after-hours speakeasy located in an abandoned second floor office on the West Side of Detroit. The area was controlled by hustlers and prostitutes. Expecting to find about two dozen patrons, the police instead found about 80 people celebrating the return of two servicemen from Vietnam. As the patrons were arrested and taken out to police cars for transportation to the precinct, angry crowds gathered around the building and began to taunt the police. Someone in the crowd threw a brick through a police car window and soon rocks, bricks and bottles were being thrown at the police.

The initial response of the police was one of resolution. Rather than withdrawing in hopes

that the crowd would disperse or taking forceful action to beat back the crowd, the police called in reinforcements to present a show of force. This caused immediate escalation. The crowd began throwing garbage into the street and setting it on fire. Bricks were thrown through shop windows and looting began. Fire bombs were thrown and the heat and summer winds caused the flames to spread rapidly through the old buildings.

Jerome Cavanagh, the young mayor of Detroit, and Michigan Governor George Romney, initially received faulty estimates of the situation and thought they could solve the problem by opening extra swimming pools in an attempt to "cool off" the situation. What had started as a minor civilian disturbance quickly escalated into devastating violence and destruction. Rioters spread through the ghetto, leaving a trail of fire. Several black congressmen and members of the clergy tried to reason with the crowds only to be stoned and threatened.

By the end of the first day, the city's four thousand police were hopelessly outmanned. Firemen attempting to deal with the fires which were raging throughout the West Side were forced to withdraw from a 100 square block area to await police and National Guard protection. Governor Romney declared a state of emergency and issued a 9 p.m. curfew, calling in the National Guard. Shortly after 9 p.m. the first sniper fire was reported.

The 7,300 guardsmen who arrived were poorly trained for riot control and ill-equipped. Some reported directly from a training exercise, hot and tired from hours of driving before they even set foot on the streets. Seemingly to shoot anything that moved, tanks strafed buildings indiscriminately in their search for snipers. The death toll spiraled and by Monday morning, the second day of rioting, the city was paralyzed. Schools, banks and business were closed. Thousands of black refugees, some burned out of their homes and others frightened out, clogged

refugee centers. Airlines canceled flights into the city.

Governor Romney telephoned the Attorney General Ramsey Clark to warn him that federal troops might be needed. The Attorney General wanted the word "insurrection" included in the request but Governor Romney did not want to use that label out of fear that insurance companies would not pay off for damages caused by insurrection. When the formal request reached Washington D.C., President Johnson ordered 4,700 paratroopers from Fort Bragg and Fort Campbell. The President sent Deputy Defense Secretary Cyrus Vance to Detroit to assess the damages and Lieutenant General John L. Throckmorton, U.S. Army, to command the federal troops. Vance initially decided that the federal troops were not needed. Governor Romney was furious, and several congressmen phoned the White House to demand the release of the federal troops. Late that night the President conceded.

General Throckmorton and his troops were battle-hardened veterans of Vietnam and the Dominican Republic. After touring the city, he observed that "the city was saturated with fear." The people were afraid, the Guardsmen were afraid, the police were afraid. Many of the injuries were from gunshots "of unknown origin" because there was no fire-discipline displayed by the local police or the Guardsmen.³⁵ He divided the city down Woodward Avenue, taking the eastern sector of the city and leaving the West side to the National Guard and police. The men were armed with M-16 rifles, grenade launchers and tear gas, relatively small arms compared to the tanks and machine guns which the National Guard was using. Well trained and disciplined, the Army demonstrated fire control and steady nerves. Rather than spraying buildings with random fire, as the guardsmen had done, they stalked the snipers with accuracy and precision. One Sergeant was heard to comment, "I've been in the Dominican Republic and I know a little about

this house-to-house fighting.”³⁶

General Throckmorton made an effort to establish contact between his troops and the residents. He organized clean up parties and started efforts to trace missing persons. His troops were under strict orders not to fire unless they could see the specific person they were aiming at. His philosophy was that best way to contain disorder was to saturate the area with "calm, determined and hardened professional soldiers."³⁷ Within hours the Army had quelled the riots within their sector. In those areas where the National Guard implemented General Throckmorton's tactics of restraint, they met with equal success.

In contrast, the West End seemed to flare up even worse in response to the presence of federal troops in their city. The rioters seemed to take on two group personas. The first group displayed reckless abandon, taking advantage of the opportunity with an almost festive approach to the looting and rioting around them. The second group were far more dangerous. Organizing themselves into small groups of terrorist cells, they boasted "We're as organized as the Viet Cong, baby!"³⁸ This group was joined by bitter, racist and violent fanatics. Snipers operating in teams targeted firemen and police precincts, making it difficult for them to respond to calls.

By the end of the week the riot had literally burned itself out, not due to any specific action on the part of the police or National Guard, but because there was nothing left to loot, burn or pillage. In the end there were 43 deaths, 2,250 injuries, 4,000 arrests and approximately \$250 million in property losses.³⁹ Of the deaths, 33 were black and 10 were white. Of those killed, seventeen were looters (two of whom were white), fifteen other citizens (four of whom were white), one white National Guard, one white fireman and one black security guard. Investigations by both the Federal Bureau of Investigation and the local police showed that the

riot was a spontaneous uprising, with some evidence of organization among small groups of guerrillas and snipers after the rioting had begun.⁴⁰

Los Angeles, 1992⁴¹

Nearly twenty-five years after the devastating riots in Detroit, the worst violent riot in our nation's recent history broke out in Los Angeles. On April 29, 1992, following the acquittal of four white police officers in the beating of Rodney King, an unarmed black motorist, large scale rioting broke out in South-Central Los Angeles. However, the Los Angeles riot was not simply a race riot resulting from a single incident of perceived injustice by the judicial system or the excessive use of force by members of the Los Angeles police department. Poverty, unemployment, broken homes and racial problems between blacks and Koreans were contributing factors in the wide-spread rioting. Alcohol use, greed and hatred compounded the problems. The fact that the majority of those arrested for looting after the first day were not local citizens is evidence of the greed and the premeditated criminal nature of the rioters. They were people who had seen the rioting and looting on television and had come from all over Southern California to take advantage of the situation.⁴² Over 1000 of the people arrested for looting were illegal aliens.⁴³

Incompetence, rivalry and deteriorating working relationships between Los Angeles Chief of Police Daryl Gates, Los Angeles Mayor Tom Bradley and the senior Los Angeles County law officer, County Sheriff Sherman Block, also contributed to the spread of the disaster and initial problems in coordinating the law enforcement efforts. Despite these factors, the most serious threat to local law enforcement and the military personnel deployed to quell the riots came from

ethnic street gangs.⁴⁴ These organized gangs presented a complication which did not exist during the riots of the 1960's.

The disturbance began as a small demonstration in the south-central part of the city but rapidly escalated into wholesale violence, arson and looting. The media captured vivid pictures of motorists being dragged from their vehicles and beaten with baseball bats and looters running from stores with color televisions in their arms. By nightfall the rioting and looting had spread across a thirty two-square mile area and encompassed surrounding incorporated areas. Mayor Bradley requested that Governor Pete Wilson call up the California Army National Guard (CAARNG). By 9 p.m. Governor Wilson requested the first National Guard troops.

By mid-afternoon on 30 April, 36 hours after the rioting had broken out, the first 2000 CAARNG troops were committed and on the streets, along with members of the California Highway Patrol. The CAARNG, having been repeatedly assured that their services would not be needed for any disturbances in the aftermath of the Rodney King verdict, had much of their riot gear on loan to other agencies which resulted in delays in their employment. Lock plates had to be installed in their M16A1 weapons to prevent automatic fire during civil disturbances. This process requires the skills of specially trained armorers which resulted in further delays.⁴⁵ That evening Mayor Bradley imposed a dusk until dawn curfew in the city. In that one evening there were as many as 30 shootings and countless incidents involving gang members driving by law enforcement agents with weapons brandished out the windows of their vehicles. There were also several attempts at vehicular hit and run involving cars operated by gang members who refused to stop at check points or security stops manned by police and CAARNG.

By 1 May the rioting was still out of control and Governor Wilson requested that

President George Bush send in federal troops, stating that the situation exceeded the capabilities of the local and state authorities. The President immediately issued an executive order that federalized the California National Guard and authorized the assignment of active duty military forces to assist in restoring law and order. Major General James Delk, who was the military field commander of the CAARNG prior to the federalization order, was not consulted prior to the request for federal assistance. By the time Joint Task Force (JTF) -Los Angeles arrived, there were 10,465 National Guard troops in Los Angeles.

Put together by U.S. Army Forces Command in Atlanta, Georgia, JTF-LA consisted of 2,023 Army personnel from the 7th Infantry Division (Light) at Fort Ord and 11,508 Marines and Navy corpsmen from Camp Pendleton, California. In addition there were 1000 riot-trained federal officers assigned to the Task Force.

Due to the focus of this paper on the proposed role of Marines in dealing with urban crime, further analysis of riot control efforts during JTF-LA will concentrate on the role of the Marines. The Marine forces assigned to JTF-LA included a Special Purpose Marine Air Ground Task Force (SPMAGTF), a command element from the 1st Marine Division, 1st Light Armored Infantry Battalion (LAI), and a Combat Service Support Detachment. The SPMAGTF which initially deployed out of Camp Pendleton was made up of a command element from the First Marines Regimental Headquarters, 3rd Battalion First Marines (3/1), an attached engineer platoon from 7th Engineer Battalion, a platoon from the Military Police Company and a detachment of trucks. They planned on augmenting there forces with a second battalion, however that was not necessary. The Marine unit was assigned to the Compton area and Long Beach, where they conducted a "relief in place" with the National Guard unit which had been previously

assigned there. The Compton area was a center for gang-related violence. Initial missions consisted of patrolling, providing security for shopping areas and increasing the military presence in the area. A "ride along" program was established with the Compton Police Department to acquaint the Marines with their surroundings and to orient them to the threat.

In the days leading up to the riots, leaders of two rival black gangs, the Bloods and the Crips, met to establish an unprecedented truce so that they could focus their efforts jointly against the police. While the initial response on the street may have been spontaneous and disorganized, behind the scenes there was a violent criminal element advocating murder and specifically targeting the police and firefighters. During the first five days of the riot, heavily armed gang elements sniped at both the police and National Guard." Within the Compton area, Marines patrolled the streets in small teams, usually working in tandem with police officers. Cars filled with gang members would drive by brandishing Uzis and Kalashnikovs, automatic weapons with fire power superior to that in the hands of either the Marines or the police. Marines provided security against looters in the parking lots of shopping centers. After dark, cars filled with gang members would drive up with their lights out and silently roll to a stop. Then all four doors of the vehicle would simultaneously open and the passengers would throw lighted flares, ignite a series of strobes or use other methods to try to incite the Marines to fire their weapons. At one point, members of a black gang utilized the local media to issue a warning that they were going to use sniper fire to target any white driver utilizing a major freeway. This threat effectively shut down the freeway from panic and fear while Marines and local police attempted to search all over-passes and on-ramps in the vicinity for the alleged snipers. Aggressive behavior on the part of gang members included driving straight at roadblocks and the Marines

posted at them or driving by firing their weapons. The threat of sniping had to be taken seriously.

Using information provided by the local police, Marine Corps intelligence assets began to target neighborhoods with known gang leaders. Identifying patterns of behavior, examining key terrain and areas of interest, Marines were able to identify those gang members who were participating in narcotics and weapons trafficking. By merely establishing a presence in those neighborhoods, specifically in front of the houses of dealers and gang leaders, Marines were able to shut down criminal behavior and allow police and fire fighting forces time to regroup.

By May 4th when the rioting finally subsided, there had been 54 people killed, 2,383 injured (221 critically), and 13,212 arrested. There were 11,173 fires reported throughout the county and estimated damages in excess of \$717 million. What JTF-LA encountered in 1992 was a far cry from the riots of the 1960's which had provided the basis for civil disturbance training. Troops were not deployed in wedge type formations to disperse large masses of people. Instead they encountered heavily armed gang members in small groups. National Guard, Army and Marine leaders credit the success of JTF-LA to the strength of the small unit leader, well-disciplined and trained troops operating under decentralized control.⁴⁷ Only 20 rounds were fired by members of the National Guard during the entire operation.

Lessons Learned from JTF-LA

One of the primary lessons learned from JTF-LA is the need for closer liaison with civilian law enforcement agencies and joint training to ensure common understanding of terminology and Rules of Engagement. There was one incident involving two Marines participating in a "ride-along" with Compton Police which illustrates this critical need. The

police received a call to respond to a domestic disturbance where shots were allegedly being fired. Upon arrival the two police officers got out of the car and approached the house. Without warning, both officers were shot at from somewhere inside the house and were wounded. Turning back to the two Marines in the police car, the wounded officer yelled "Cover me." For a police officer "Cover me" means "aim at the source of the gunfire, but only shoot as necessary to protect us while we move to a safe position." For a Marine "Cover me" means "lay down suppressing fire on the source of the gunfire." So that is what the Marines did. The two Marines fired their 30-round magazines in the direction of the attack, firing suppressive fire without inflicting any bodily harm. No civilians were injured and the wounded police officers were able to move themselves out of danger.⁴⁸ More extensive coordination and training on a regular basis with law enforcement officials would have precluded this incident.

Army doctrine deals with civil disturbances in the context of "mass acts of civil disturbance." This includes wide varieties of scenarios including hostage, bombing and sniper situations, but the primary focus is on crowd control. During the LA riots the soldiers encountered a more focused and organized criminal element with a much more lethal capacity. While there was violence and looting that was random and criminal in nature, there were also targeted group and petty gang focused incidents of violence. Doctrine needs to be focused on this changing threat.

When task organizing the forces for JTF-LA, it was critical for the force commanders to remember that the military was entering a civilian urban environment. Heavy combat equipment such as artillery and machine guns were not necessary and only would have contributed to problems with the use of excessive force.

Special consideration needs to be given to communications and Command and Control Problems in an urban environment. Several of the military radios were useless because of interference from building and other structures. Cellular phones and portable FAX machines were critical for maintaining communication with command elements and troops dispersed in small teams over wide area.

As discussed earlier, federalization of the National Guard created problems by limiting the types of missions they could accept once they fell under the restraints of the Posse Comitatus Act. Prior to federalization, National Guard troops operated under the same restraints as law enforcement officers. They were able to accept search and seizure missions and were authorized to place suspects under arrest. After federalization, each request for assistance had to be examined to see whether it was a law enforcement or military function. After the federalization order was implemented, only about 10 per cent of the requests for assistance received by the National Guard could be responded to as military functions. This many have been excessively precautionary, since the Posse Comitatus Act does not necessarily apply in cases of "a sudden and unexpected civil disturbance, disaster or calamity."⁴⁹

VI. THE FUTURE THREAT OF URBAN CRIME

During the 1994 elections, residents in a small rural town in Virginia, 100 miles outside of Washington D.C., were polled on their most important concerns. Although the town itself had no violent street crime and had not experienced a homicide in 20 years, the majority of the citizens listed fear of violent crime as their most pressing concern.⁵⁰

This fear is borne out by alarming statistics regarding recent trends and future forecasts in the areas of urban gangs, violence and youth crimes. Violent crime grew by 371% between 1960 and 1992. Arrests for violent crimes by youths under age 18 increased by 91% between 1970 and 1992. Murder rates for youths under age 18 jumped by 92% since 1985.⁵¹ While adult violent crime rates have remained fairly steady over the past ten years, juvenile offenses have soared and now nearly double the number of adult arrests. Juvenile arrests for weapons-law violations increased by 103% between 1985 and 1994. During this same period the number of juvenile homicide offenders grew to about 2,800, nearly triple the number in 1984. After experiencing a decline in drug use among high school seniors since the 1980s, beginning in 1992 the incidence of use began to rise again. With the number of juveniles expected to increase by 31% by the year 2010, the potential for an explosion in crime is real.⁵²

Perhaps even more alarming is the growth of gangs and their connection to violence, drug trafficking and crime in urban areas. In 1992 a gang survey conducted for the National Institute of Justice found that of the 79 largest U.S. cities, 95% reported the presence of gangs. The federal government has no reliable statistical information on the nature and extent of gang related crime.⁵³ In surveying the most serious violent crime problems in their districts, a significant number of U.S. Attorneys identified gang violence as the most serious violent crime problem in their communities.⁵⁴

Using Los Angeles as a statistical frame of reference, since it was the focus of military intervention during the riots of 1992, there is alarming evidence of gang involvement in drug related crime and crimes of extreme violence. Law enforcement sources suggest a strong correlation between drug distribution and increased violence in gang "entrepreneurial battles for

dominance in a lucrative business."⁵⁵ Interviews with gang members in five separate studies reported from 30 to 95 percent rate of involvement in drug sales. Statistics for gang involvement in drug sale arrests ranged from 30 to 50 percent over the period 1985-1991. Currently law enforcement officials estimate the actual figures to be closer to 90 percent, however gang loyalty makes it difficult to get accurate information. In 1994, gang members were victims or suspects in about 40 percent of all homicides in Los Angeles County.⁵⁶ In Los Angeles the Crips and the Bloods have an estimated 70,000 members with franchises in most states and metropolitan communities where they tend to dominate the crack cocaine trade.⁵⁷ California authorities describe the youth gang as a "violent and insidious new form of organized crime. Heavily armed with sophisticated weapons (gangs) are involved in drug trafficking, witness intimidation, extortion and bloody territorial wars. In some cases they are traveling out of state to spread their violence and crime."⁵⁸ According to the FBI, "The fastest growing murder circumstance is juvenile gang killings."

The Department of Defense guidance for implementation of counter drug policy, as published in October 1995, states: "The flow of cocaine and other illegal drugs into the United States continues to constitute a critical National Security Threat." The increase in gang activity has forced state and local law enforcement agencies to seek new ways of dealing with the resulting increase in violent crimes and drug trafficking which is being conducted by organized gangs. Gangs have moved beyond ethnic rivalry and turf wars to criminal activity involved with narcotics trafficking, distribution and protection of those industries in the urban environment. Until recently those problems were deemed to be outside of the purview of federal law enforcement agencies. Changes to policy were necessary because of the crippling effect that

gang-related crime was having on urban communities (as well as suburban and rural.)

The new Federal policies recognize the need for wholesale cooperation and coordination between national, state and local agencies to curb the alarming trend in drug proliferation, gang warfare and violent crimes. Dr. Max Manwaring, a recent speaker on the topic of Gray Area Phenomena at the Command and Staff College, Marine Corps University specifically addressed the threat which illegal drugs and the criminal business network that supports drug trafficking provides to the stability and security of the United States. He defined "Gray Area" as a functional or territorial area within a nation state that is not under the control of the nation state. Further, he defined "Phenomena" as those individuals or organizations that operate solely for their own well-being, in opposition to the state. Clearly, under this definition, urban crime, drug traffickers and urban gangs qualify as Gray Area Phenomena functional areas within the nation that are not under the control of the nation (where individuals and organization operate solely for their own well-being (profit) in opposition to the state.) He went on to say, "We can no longer deal with these problems as strictly law enforcement problems. These are national security issues. Competing agencies, to include the police, the Drug Enforcement Agency and the military need to work in coordination to deal with this threat."⁵⁹

Peter Lupsha, another expert on GAP, stated in his article "Horsemen of the Apocalypse: GAP and the New World Disorder," that staffed criminal groups and drugs gangs on both coasts present a national threat of a new dimension.⁶⁰ The political institutions of the nation (to include laws such as Posse Comitatus, the military and law enforcement organizations) were designed to protect power and the status quo by limiting the scope and pace of change. GAP have changed the status quo and the political institutions must change to meet the new threat.

The Department of Justice has identified the proliferation of gangs and their involvement with violent crimes and drug trafficking as a major concern and a threat to national security worthy of a coordinated national effort involving federal, state and local officials.⁶¹ GAP are traditionally discussed as targets for military intervention. The problems discussed above clearly qualify as such. It should be noted that military intervention alone is not the solution for GAP threats. The military must be part of a multi-faceted approach involving civilian agencies and other non-governmental players.

Great Britain is a nation whose military has battled GAP for over 27 years, in dealing with the terrorist threat in Northern Ireland. Examining their military training, employment and doctrine of the British Royal Marines may provide a useful model for the United States Marine Corps in preparing for GAP threats in our cities.

VII. TERRORISM IN NORTHERN IRELAND

The political terrorism in Northern Ireland and the response of the British Royal Marines, in conjunction with local police, provide a framework for examining the role of the military in combating extreme violence and criminal activities within an urban environment. While some would argue that comparing terrorism to the violent crime and actions of gangs in American cities is an extreme stretch, the fear created by these crimes and the gangs which often are the perpetrators is just as real a terror. The report of the Department of Justice on a national strategy to coordinate gang investigations could just have easily been describing the effects of terrorism as gangs:

The fear created by gangs pervades our daily decisions--whether to remain in the city after work hours, whether to spend our time and resources at downtown stores, restaurants, and theaters. If this fear becomes too great, it will further polarize our communities along economic, ethnic, and racial lines, and the results to our cities and towns will be devastating. Moreover, employment opportunities, investment strategies, and overall economic prosperity will be affected if gang violence and the fear permeating communities are not reduced.⁶²

Historical Overview

The political situation in Northern Ireland is rooted in struggles which reach back to the 17th Century European Wars of Religion, with religious conflicts between Catholicism and Protestantism spanning the intervening years. During the early part of this century, the Irish Republican Army (IRA) conducted guerrilla actions in the Anglo-Irish War (1918-1921) seeking independence from Great Britain. In 1921, in an attempt to appease both the largely Protestant Unionist population in the north-east and largely Catholic nationalist population in the south, the island of Ireland was partitioned into two political units. The six counties of Ulster remained a part of the United Kingdom and were called Northern Ireland. The southern 26 counties set up a separate administration, operating from 1922-1949 as the Irish Free State. Three provinces which traditionally had been thought of as part of Ulster became a part of the Irish Free State. In 1949 the southern counties left the Commonwealth and became an independent republic. The Ulstermen viewed this solution as a permanent one. For Nationalists the solution provided by the separation, was envisioned to be only temporary as evidenced by the wording in the current constitution of the Irish Republic, which states "the national territory consists of the whole island of Ireland."⁶³ Almost 50 years later, the temporary nature of this arrangement has been accepted by many to be the status quo, while for others it is the root cause of unrest.

The most recent phase of conflict began in 1969 with a civil rights movement which was

mainly Catholic and non-violent in its inception. While some attribute this student-dominated action to be nothing more than Northern Ireland's share of world wide student unrest.⁶⁴ (the American effects of which have already been discussed), religious, political and socio-economic factors were also factors in Catholic unrest. Some of the legitimate complaints were unequal job opportunities, substandard housing and political "gerry-mandering," resulting in inequitable representation in Stormont parliament, Northern Ireland's assembly and local government. Marches and protests led to countermarches, causing clashes between Catholics and Protestants.

In 1969 the British attempted to forestall military intervention by threatening the Northern Ireland government that calling in the troops would result in Direct Rule.⁶⁵ Unable to identify the members of the IRA, Protestant groups targeted Catholic institutions indiscriminately. Finally, the escalating level of violence forced the British to intervene. The British Forces were initially deployed to prevent clashes and protect Catholics.

Between 1968 and 1970, the violence escalated in harrowing fashion, with, nightly rioting and car bombs in the streets of Belfast. There was sniper fire from Catholic ghettos into Protestant streets and from Protestant ghettos into Catholic streets.⁶⁶ The Protestants formed two organizations to counter the growing IRA activities: the Ulster Defense Association (UDA) and the Ulster Volunteer Force (UVF). These organizations were originally nothing more than local "neighborhood watches," who formed vigilante groups to block off their streets and protect their homes. They soon began taking on the structure and ethos of a paramilitary organization, seeking retaliation for the violence initiated by the IRA. With both sides using large bombs, commonly placed inside or outside the bars of the opposing faction, the number of deaths grew exponentially. The early 1970's were the worst years, culminating in 1972 when there were 467

deaths, 10,628 shootings and 1,382 explosions in Northern Ireland.⁶⁷

During the period from 1969-1989, 88% of the deaths caused by Loyalist agencies were civilians, rather than Security Forces or other paramilitary organizations. During the same period, while the IRA was responsible for more than twice the total number of fatalities (1,608 for IRA and Republican agencies compared to 705 for Loyalist agencies), it was more effective at targeting what it termed as 'legitimate targets.' More than half of the deaths caused by the IRA or attributed to the IRA were Security Forces, with another 9% were Republican Paramilitary.⁶⁸

British Objectives in Northern Ireland

The Government's priority in Northern Ireland has been the ending of terrorism caused by both Republicans and Loyalists. All terrorism is considered to be nothing more than *an extreme form of criminal activity*, giving the terrorist all the legal rights of a criminal but no political status. The government policy is that there is "no acceptable level of violence."⁶⁹

Similarly to current United Nations and NATO Peace Keeping Operations, the British government's goal in Northern Ireland has been to provide an environment where the legitimate and democratic process can work to establish long term peace. The security policy is designed to:

- maintain the rule of law
- ensure that all Northern Ireland citizens are free to express their political opinions without inhibition, fear of discrimination or reprisal
- defend the democratically expressed wishes of the Northern Ireland people against those who try to promote political objectives, including a change in the constitutional status of Northern Ireland, by violence or the threat of violence
- create conditions for a just, peaceful and prosperous society in which local people can exercise greater control over their own affairs.⁷⁰

The Royal Ulster Constabulary (RUC), whose members are nearly 100% Protestant, is the local police and security force in Northern Ireland and, from the inception of the violence, has had the primary responsibility for the prevention and investigation of all crime, to include terrorist activities. The armed forces were initially called in when the levels of violence were greater than the RUC was trained, manned and equipped to handle, and this remains the basis for the current deployment of military forces in Northern Ireland.

The armed forces act primarily in support of the RUC, in tasks assigned to them and coordinated with the police. All patrols, responses to emergencies and initial investigations are conducted in partnership. There is a concerted effort on the part of the British military to present an impartial image to the citizens of Northern Ireland, both Loyalist and Republican. Convincing the citizens of their impartiality is difficult given the fact that British initial interests and presence stems from their Protestant settlements.

Just like any other law enforcement agency, the RUC is required to operate within the law. By extension, the military is subject to civil law in the execution of its duties, making its duties closer to those of law enforcement than conventional warfare. Problems which plague American law enforcement officials are also of concern for the British military and the RUC. Great emphasis is placed on the security of the crime scene, collection of evidence, chain of custody and proper treatment of prisoners. The role of the military is to assist the constabulary, and as such they turn over information, evidence and prisoners at the first possible opportunity. These practices diminish the likelihood of military personnel having extended appearances in the courtroom.⁷¹

The laws governing the use of force by the RUC and the armed forces is the same in

Northern Ireland as it is elsewhere in the United Kingdom. Only "such force as is reasonable in the circumstances to prevent a crime or make an arrest" may be used. Due to the extreme conditions in Northern Ireland, the RUC are armed with hand guns which is a departure from normal police procedures in Great Britain. Military patrols are armed at all times with their T/O weapon, a British 5.56 which is similar to the American M16A1. Any deaths or serious injuries resulting from RUC or military action are subject to full investigation by the police and review by the independent Director of Public Prosecutions. Complaints of criminal behavior or mistreatment by the RUC are investigated by the Independent Commission for Police Complaints.⁷²

VIII. BRITISH ROYAL MARINES: A MODEL FOR TRAINING AND EMPLOYMENT

The British Royal Marines provide a potential model for study and easy transfer of concepts to the United States Marine Corps due to the similarities in organizational structure, mission capabilities and training. There are notable differences, particularly in the areas of training and employment, which have been developed by necessity, particularly in dealing with the issue of combating terrorism in Northern Ireland.

Force Structure⁷³

The total strength of the Royal Marines is only slightly larger than one USMC Infantry Regiment. The British Royal Marine (RM) Forces are organized very similarly to the United States Marine Corps (USMC) Infantry Regiment, with 3 Commando Brigade being roughly the equivalent of one USMC Infantry Regiment, in both size and structure. Within 3 Commando Brigade, there are three Commando Groups, each one roughly the equivalent of a USMC Infantry Battalion. Noting the similarities in size and structure between the British Royal Marines and the United States Marine Corps is important when examining training and employment policies. Both organizations deploy primarily in Battalion (Commando) sized units and train in Company sized units.

In addition to the three Commando Groups, there is a Commando Brigade Air Squadron; Air Defence Troop; Signals Squadron; 1 Raiding Squadron; and Commando Logistics Regiment. The Commando Logistic Regiment is comprised of a joint force of Royal Navy, Army and Royal Marine personnel, a structure unique to Great Britain.⁷⁴ The Logistic Regiment provides workshop, ordnance, transport and medical back-up.

All artillery and engineering assets are provided to the Royal Marine Commando Groups by the Army, using specially trained personnel who go through an eight week commando course in addition to their specialty training in the Army, prior to deployment with the Royal Marines. Completion of this eight week course allows members of these support elements to wear the green beret of the Commando unit. The focus of further discussion will be on the Commando, since this is the size of unit which deploys to Northern Ireland.

The typical Commando (Battalion) consists of a Headquarters or Command element, a Headquarters Company, three Rifle Companies and a Support Company. A Royal Marine Company is roughly the equivalent of a USMC Infantry Company.

The Headquarters Company is approximately 12 officers and 170 Marines. It consists of an Administration Troop, a Signals Troop and a Transportation Troop. The Transportation Troop is approximately 21 vehicles and trailers, including water carriers and radio trucks. A Royal Marine Troop is the equivalent of a USMC platoon. The Support Company is the equivalent of the USMC Weapons platoon and is usually staffed with 4 officers and 150 marines, and equipped with 32 vehicles and trailers.

The Royal Marine Rifle Company is composed of three Rifle Troops (USMC Platoons). Company strength is 6 officers and 120 Marines; Troop strength is 1 officer and 35 Marines. The USMC rifle company mirrors this structure almost identically making training concepts and employment doctrine easily transferred.

Deployment to Northern Ireland

Since the resurgence of trouble in Northern Ireland in 1969, the British Royal Marines (RM) have been deployed in rotation with Army units into the Province of Northern Ireland.

Northern Ireland is divided into plots, with a military unit assigned to each. The size of the Royal Marine unit assigned to control a plot is the Commando, a battalion sized unit. The size and number of plots differs with the changing threat. Whereas only specially trained Army units are assigned to duties in Northern Ireland, each of the three Royal Marine Commando Units are part of a regular rotation. This means that while every Royal Marine Commando Unit rotates through Northern Ireland periodically, each individual Marine may not have a tour there depending on the length of his enlistment and his unit's deployment schedule.

The length of the tour in Northern Ireland depends on the nature of the threat in the area. In those areas which are considered "soft," the tour is two years and military personnel may be accompanied by their families. These areas are usually located in more rural areas, along the borders. "Hard" areas are those where there is a higher risk of terrorist activity and are usually urban. Tours in "hard" areas are for six months and are unaccompanied. "Hard" areas are normally assigned to Marine units, and the daily operations are similar to those in a combat zone.

While assigned to a six month tour in a "hard" area, the Marines live in a tightly secured barracks area, never venturing outside except to conduct patrols and to conduct official business. Within the Commando's "plot" area of operations, the Commander will set up Security Force Bases, and will tailor the force package and the size of the area to be assigned to each Company, based on the threat within that area. The Commando Company, having been assigned an area of responsibility which is referred to as a "patch," will then assign specific areas to each of his three Troops.

Each Troop is commanded by a Lieutenant, with a senior Sergeant assigned as his second. The Troop is divided into two Patrols (roughly the equivalent of a USMC Infantry

Squad,) with the Lieutenant leading one and the Sergeant leading the other. The primary structural difference between the British Royal Marine and the USMC occurs at this level. The RM Company consists of two 16-man patrols, which employ in four 4-man teams. The USMC Company consists of three 12-man squads, which employ in three 4-man teams. The RM team is the primary unit on the street. Since both organizations utilize the 4-man team as their basic patrolling unit, applying RM training and employment techniques to the USMC, would required only minor modifications.

The mission of the Royal Marines in Northern Ireland revolves around their patrolling skills. Since they are in Northern Ireland to support the local law enforcement officers, the RUC, 99% of the time the Royal Marine team is patrolling with the local police. The teams are "satelliting" in close proximity to other patrol teams, but each is on the street independently and as such must undergo specialized training which prepares them for "bottom up" rather than "top down" decision making. Decision making must be decentralized because there is not always time in a combat or terrorist environment to consult with superiors to determine the appropriate course of action.

Detailed discussions of British Royal Marine basic training and specialized Pre-Deployment Training for Northern Ireland are presented in Appendices C and D.

IX. CONCLUSION

Security Threat: Real or Perceived?

The average American citizen is concerned about violent crime, the proliferation of gangs and drug related crimes. Although the nature of these criminal elements makes it difficult for the government to gather accurate statistics about these criminal elements, there is sufficient evidence of increases in the threat to security from these elements to have warranted special task forces and unique efforts from the Department of Justice, the FBI and other federal agencies. Perception is often as important as reality: if people don't feel safe and secure their actions are impacted whether the threat is real or just perceived.

The trauma and social costs resulting from gang violence and its concomitant gang culture are not limited to those Americans who are personally threatened, assaulted, robbed, or murdered. Even citizens who are not directly victimized suffer from the specter of gang violence. In many gang-infested neighborhoods, the lives of children are warped not only by the constant level of violence to which they are exposed, but also by the paralysis that exists in those communities where confidence in the abilities of conventional institutions to protect them is substantially outweighed by the collective fear of retaliation by the gang. The sense of futility shared by Americans living in gang-infested areas prevents many from experiencing such simple pleasures as sitting on their front porches, walking after dark to the corner market, or allowing their children to play at the local public park.⁷⁵

The federal government has recognized that the problem requires a coordinated effort utilizing all available assets.

In order to address gang violence effectively, the law enforcement response to gang violence must be a coordinated one. Municipal and local police departments, which represent the first line defense from an enforcement standpoint, are not equipped to tackle this problem of enormous complexity alone. Most police departments lack the legal, financial, and technological resource to eradicate gang violence ... the need to adopt a more regional and national approach to combating criminal activity by gangs becomes apparent. Central to our strategy for suppressing gang violence is the forging of a

coalition of all pertinent federal, state and local law enforcement entities which draws upon the strengths of each component agency.⁷⁶

The fact that the military has been left out of this equation can be attributed to many factors: the long standing historical aversion to the use of the military for law enforcement, the limitations of the Posse Comitatus Act, the belief that the threat is not sufficient to justify drastic changes to the law and the traditional missions of the military, concerns that assigning this mission to the military would degrade readiness for conventional missions and concerns that the military is not properly trained and equipped for fighting drugs, violent crime and gangs in American cities.

I would propose that, based on the evidence presented, the threat to national security from these criminal elements is real. There are more violent crimes *each year* attributed to random acts, gangs and drug related criminal activity in our nation's largest cities than there have been attributed to acts of terrorism in Northern Ireland over the past ten years. In Los Angeles county alone there were 771 gang related homicides reported in 1991.⁷⁷ The terrorism in Northern Ireland is motivated by political issues and is being dealt with by the government, local law enforcement and the military as *an extreme form of criminal behavior*. Urban violent crime in America is increasingly motivated by ethnic polarity and the lure of profit from drug business and can also be viewed as *an extreme form of criminal behavior*.

I predict that it is only a matter of time before the American government is forced to take the same drastic measures to deal with the threat of urban violence that the British have taken in dealing with the "extreme criminal activity" of the terrorist. The limitations of the Posse Comitatus Act can be changed, just as they were to address the increased threats from drug

trafficking and terrorism, to allow military assistance to law enforcement agencies in a more direct and tangible way.

Recommendations

1. The Posse Comitatus Law needs to be changed to allow increased military assistance to law enforcement agencies. Military units would still be utilized at the request of the civilian government in response to changing threats to National Security from gangs and other criminal elements involved in violent crime and drug trafficking. The presence of the military would be a temporary solution, to allow local law enforcement agencies the opportunity to regain control of their cities and to provide an environment conducive to the other social programs which are necessary to bring about a lasting solution: education, health care, career counseling, job opportunities, etc. The role of the military would be similar to the one played in Peace Keeping Operations . . . giving peace a chance to flourish.

2. The United States Marine Corps should incorporate training for this mission in its training cycle. Whether applied on the streets of Los Angeles or the streets of Sarejevo, the skills practiced would enhance rather than degrade military readiness.

Marine Expeditionary Units currently prepare for their 6 month deployments by going through an extensive six month training period.

The Pre-deployment Training Program is a, capabilities-driven and standard-based process that allows the Amphibious Squadron and MEU commanders to systematically analyze, develop and evaluate the integrated capabilities of the Amphibious Ready Group/MEU. Framed within a 26-week period, it provides for the efficient use of time, resources, and assets, yet retains the flexibility to adjust for other requirements.⁷⁸

By following the model provided by the British Royal Marines in preparing for their deployments to Northern Ireland, the United States Marine Corps and United States Army could prepare for deployments into major urban crime areas on a rotating basis. The three month pre-deployment training used by the Royal Marines and some additional training in entry level schools tailored to the urban environment and assistance to law enforcement, as discussed earlier, would provide the U.S. military with the specialized skills necessary.

The military must emphasize and indoctrinate their members on different Rules of Engagement before each deployment, to address the unique circumstances and appropriate responses to various threats. Appendices A and B contain sample guidance provided to units participating in military actions during the Los Angeles Riots. Obvious changes to the Posse Comitatus Act would have to be made to allow the U.S. military some of the same latitudes allowed the British Royal Marines in Northern Ireland. Of specific concern would be the issues of search, surveillance, seizure and arrest. The use of minimal force and fire discipline is not new to today's soldier or Marine. These are concepts driven home in preparing for the peace keeping and humanitarian operations which are increasingly prevalent in current deployments.

Following the British model, and the regulations currently in place in the United States for military assistance to civilian law enforcement, the local police would retain the primary role and the military would play a supporting role. Military presence alone had a deterrent effect for all criminal activity during the L.A. riots. In the aftermath of the riots, once law and order had been reestablished, the crime rate was down by 70% in the suburb of Compton and individual citizens felt safe to walk the streets for the first time in years.⁷⁹

Fighting in Cities: The Way of Future War?

Major Ralph Peters is a United States Army intelligence officer who is responsible for evaluating emerging threats for the Office of the Deputy Chief of Staff for Intelligence. He sees the future of warfare as dominated by fighting in urban environments as opposed to the desert, mountain and jungle terrain of the past. Citing cities as the creators of wealth in an increasingly urbanized world, he notes, that controlling the cities has always been vital to military success and predicts that preparing to fight in cities will be crucial to military efficiency and preservation of the lives of soldiers.

Although mankind has engaged in urban combat from the sack of Troy down to the siege of Sarajevo, Western militaries currently resist the practical, emotional, moral, and ethical challenges of city fighting. Additional contemporary players, such as the media, and international and nongovernmental organizations, further complicate contemporary urban combat. We do not want to touch this problem. But we have no choice. The problem is already touching us, with skeletal, infected fingers. The US military must stop preparing for its dream war and get down to the reality of the fractured and ugly world in which we live - a world that lives in cities.⁸⁰

With this in mind Peters recommends creating a National Training Center for Urban Combat, using vacant housing projects and unusable industrial plants already sitting dormant in many of our cities. If Peters is correct, involving the United States military directly with local law enforcement agencies in fighting violent urban crime in our cities may prove to be a realistic training opportunity for future wars rather than a distraction which reduces our combat readiness. Certainly the patrolling, fire discipline and security aspects of a mission in support of law enforcement have direct applicability to many of the peace keeping and peace making operations which our military is currently experiencing.

In Samuel P. Huntington's *The Soldier and the State*, he discusses three forms of national security policy: the military security policy which focuses on minimizing efforts to destroy the nation by armed enemies operating from external sources, the internal security policy which deals with internal threats and the situational security policy which addresses the threat of erosion resulting from long-term changes in social, economic, demographic and political conditions which weaken and reduce the power of the nation.⁸¹ In looking at the effects of changes in technological and international politics on national security policies, he notes a necessary shift in emphasis.

Previously the primary question was: what pattern of civil-military relation is most compatible with American liberal democratic values?

Now this has been supplanted by the more important issue: what pattern of civil-military relations will best maintain the security of the American nation?⁸²

I would argue that the current trends in violent urban crime, wide spread drug-related violence and the growth in numbers and sophistication in urban gangs demand a new pattern of civil-military relations. It is time to re-think the limits of Posse Comitatus and implement changes which will allow this country to bring the full power of resources to bear on this crippling threat. The British Royal Marines provide a model for dealing with terrorism in an urban environment. The terror of urban crime, gangs and violence is no less real and no less threatening to national security. We have the way . . . Do we have the national will to take the necessary steps and make the necessary changes? If not, I fear we will go the way of the Roman Empire ... destroyed by an enemy more domestic than foreign.

APPENDIX A

JTF-6 OPERATIONAL PERSONNEL LEGAL BRIEFING⁸³

3 June 1991

Unit Commanders are responsible for ensuring that all personnel who will be involved in JTF-6 coordinated operations receive the following briefing.

1. Your actions in the field are restricted by the Posse Comitatus Act. The Posse Comitatus Act makes it a crime for military personnel to "execute the laws." In other words, military personnel may not act as law enforcement officers by conducting searches of people or places, seizure of property, or arrests of individuals. In any of you engage in a search, seizure, arrest, or similar activity, you will be committing a felony punishable by two years confinement and a \$10,000.00 fine. So remember, you are not going to the field to be cops. You are going on a military training mission which is intended to be helpful to a law enforcement agency.

2. When you are in the field, you should avoid contact with civilians (--when I say civilians, I do not mean the law enforcement officials who will be in the field with you.) As soon as you see a civilian approaching your area, you should report the fact through your chain of command. If a civilian approaches you during a field operation, you should avoid contact. If necessary you should move to avoid contact. You should make your presence known and instruct the individuals to go around the training site. If the civilian retreats or moves around the training site, you should report the encounter to higher authority. Do not stop or detain the civilian, even if it is apparent that the civilian is engaged in illegal activity, such as drug smuggling.

3. I have just covered what you should do if direct contact with the civilian is avoided. Next, I will cover the situation where contact occurs. The rules in this situation are:

a. You may use reasonable non-deadly force to prevent damage to or theft of government property. In other words, you may tackle a person who is carrying off a box of MREs (Meals Ready to Eat.) You may not, and I repeat may not, use deadly force to protect property.

b. You may use deadly force to protect yourself or any other person from death or serious bodily harm. If an individual is armed with a gun and your life or anyone else's life is threatened you may shoot. If an individual steals your weapon and threatens you or another with it, you may use deadly force to protect yourselves.

c. Deadly force may be used only as a last resort and only when lesser degrees of force have been exhausted or are clearly inadequate. If possible:

1) give an order to halt before firing.

2) do not fire if shots are likely to harm innocent bystanders.

Recall that when you observe a civilian approaching your training site and you cannot avoid contact, you should make your presence known and instruct the civilian to go around the training site. If, when you announce your presence, the civilian pulls out a pistol and aims it at you or any other person present, you may use deadly force against the civilian. If the civilian had pulled out a knife and was not within striking distance of you or anyone else, you are not at that point authorized to use deadly force. There is no real threat of death or serious bodily harm to you or anyone else because the civilian is not in a position to do you harm. Only if the civilian moves threateningly towards you or another party present would deadly force be authorized.

4. If you have violent contact with a civilian in the field, normally there will be a DLEA (Defense Law Enforcement Agent) near you who will arrest the civilian. What do you do after a violent confrontation if there is no law enforcement agent nearby? The rule is this: If you have properly used force to defend yourself or someone else present, you may forcibly detain the civilian until a civilian law enforcement agent arrives. You may search the civilian to ensure that he or she is not armed. You may not use deadly force to prevent the escape of the prisoner unless, in the course of the escape attempt, the civilian threatens or uses deadly force.

5. Each of you is individually responsible for your actions in the field. If you injure or kill anyone in violation of the rules I have outlined, you may be subject to criminal prosecution. If you search, arrest, or stop a civilian other than under the circumstances I have described, you may be subject to criminal prosecution. As long as you remember: a) that you are not out here to be a law enforcement officer, b) that you should avoid contact with civilians in the field, and c) that force should be used only as a last resort, you should not have any problems during the training mission.

6. You will each be given a card which summarizes the basic rules for use of deadly force. Carry that card with you at all times and review it when you get to the field.

7. Are there any questions?

APPENDIX B

JTF-LA: SOLDIER DILEMMAS IN CIVIL DISTURBANCES

1. DILEMMA: Receive Sniper Fire (No Casualties)

RESPONSE:

Take cover; employ smoke. Identify locations of sniper; maintain surveillance on sniper. Report to chain of command. Employ combat VHS camera. Request Battalion counter snipers. Inform police liaison. Make detailed log entry.

2. DILEMMA: Crowd Approaches (Gain control of crowd, if unlawful, disperse peacefully)

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Use bullhorn to tell crowd to disperse. Request appropriate arming order. Inform police liaison.

3. DILEMMA: Projectiles Thrown (No soldiers injured, apprehend assaulter(s) after using minimum force)

RESPONSE:

Report to chain of command. Make detailed log entry. Employ Combat VHS camera Inform police liaison. Dodge the projectiles; do not throw them back. Apprehend the assailants); turn them over to police.

4. DILEMMA: In Progress Crime Against A Person (Serious Bodily Harm or Death May Happen)

RESPONSE

Stop the assault with minimum force necessary; use deadly force in accordance with (IAW) ROE. Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison.

5. DILEMMA: In Progress Crime Against a JTF Designated "Protected Facility" (Arson; Looting; Destruction)

RESPONSE:

Stop the crime with minimum force necessary; Use deadly force IAW ROE. Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison.

6. DILEMMA: Imminent Harm to You

RESPONSE:

Protect yourself with minimum force necessary; Use deadly force IAW ROE. Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Apprehend assailant; turn over to police.

7. DILEMMA: Person Observed With Weapon

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Observe.

8. DILEMMA: Access to Key/vital Designated Facility Requested

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Affirm police liaison. Check written special instructions. Check individual's ID. Protect yourself while making checks. Be courteous. Deny entry to unauthorized personnel.

9. DILEMMA: Come Upon Civilian Casualty

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Render First Aid. Evacuate to safe location.

10. DILEMMA: Come Upon Fire (Arson Type)

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Cordon local areas to protect civilians.

11. DILEMMA: Receive Appeal for Medical Assistance

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Be courteous. Treat Priorities and Urgents if required. Do not treat Routines.

12. DILEMMA: Criminal Is Apprehended

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison.

13. DILEMMA: Drive By Shooting

RESPONSE:

Take Cover. Get license plate number. Prepare detailed situation report. Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Warn nearby friendly forces.

14. DILEMMA: Civilians Taunting Us (They Are in Vehicles)

RESPONSE:

Get license number. Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Otherwise, ignore them; don't talk back.

15. DILEMMA: Civilians Taunting Us (They Are on Foot)

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Otherwise, ignore them; don't talk back.

16. DILEMMA: Civilian Lays Down In, or Won't Move Out of, Restricted Access Area

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Apprehend using minimum force necessary. Turn over to police.

17. DILEMMA: Police Officers Unintentionally Give Illegal Orders

RESPONSE:

Disobey the order. Explain to police officer why you must disobey. Report to chain of command. Make detailed entry log.

18. DILEMMA: FM Communications Go Out

RESPONSE:

Pull out list of critical phone numbers provided by Battalion. Use public telephones to report your situation. Inform police liaison, if there's one present.

19. DILEMMA: You Need To Enter a Civilian Facility Which Is Not a JTF Designated Key/Vital Facility

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Enter the facility to prevent persons from command committing a crime. Enter the facility if required to protect yourself or your soldiers. Enter the facility if military necessity (your mission, your commander's intent) requires same.

20. DILEMMA: Press Interferes With Mission Accomplishment

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Be as courteous as possible while moving them out of the area. Do not use any force.

21. DILEMMA: Civilian Vigilantes Observed (Not Committing a Crime)

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison.

22. DILEMMA: Gang Fight Observed

RESPONSE:

Report to chain of command. Make detailed log entry. Employ combat VHS camera. Inform police liaison. Do not get involved.

APPENDIX C

BRITISH ROYAL MARINE BASIC TRAINING

There are essential differences in the Basic Training of the British Royal Marine and the United States Marine. Some of these differences are the result of the British history of Colonial Rule and their resultant experiences in dealing with colonial uprisings and insurgencies. Twenty five years of operations in Northern Ireland have also provided the foundation for unparalleled expertise in counter-terrorism and assistance to civilian law enforcement officials during civil disturbances. Another source of differences in basic training stems from the sheer size and mission of the British Royal Marine Forces. Because the total strength of the Royal Marines is only slightly larger than one USMC Infantry Regiment, the training can be much more specialized and much more closely monitored.

Just as with the United States Marines, the smaller size of the Royal Marines as compared to the Army enables them to be highly selective in their recruiting. The Royal Marines have one training center, the Commando Training Center, located in Lympstone near Exeter. Every Marine, regardless of rank, goes through his training there. The Commando Training Center houses the Royal Marine boot camp or basic training, their Noncommissioned Officer Training, Staff Noncommissioned Officer Training, Officer Training and Specialist Training. The Northern Ireland Training Education Team (NITEC) is also located there. This centralized training provides an immediate source of unit integrity and a common bond among all Royal Marines. The enlisted recruits see the officer candidates training on the same equipment and going through the same hardships.

Royal Marine enlisted basic training is 6 months in duration. By comparison, USMC boot

camp is approximately three months of basic training, followed by a required package of specialized infantry training for all male Marines and Military Occupation Specialty (MOS) training of varying lengths. Royal Marine officer basic training is fifteen months in duration, as compared to USMC officer training which consists of nine months (three months of Officer Candidate School, followed by six months at The Basic School.) Just as all US Marines are "basically trained infantrymen," all Royal Marines are Commandos, possessing a much higher standard of expertise.

USMC boot camp stresses teamwork and provides the recruit with very few opportunities for decision making as an individual. He is denied normal liberty throughout his basic indoctrination, until just prior to graduation. The emphasis is on discipline and unit cohesion, vice individual leadership. By contrast, Royal Marine boot camp is not only longer and more demanding physically, but after a brief period of indoctrination into the "military" there is a shift in emphasis toward self-reliance, initiative and individual decision making skills. This type of training has been proven to pay dividends in an environment such as Northern Ireland. It is not unusual for the young Royal Marine to be on his own, in a four man team, in an extremely hostile environment, very shortly after graduation.

In Basic Training, the enlisted Royal Marine receives training in military history, physical training, drill, land navigation, self-defense and weapons training. This aspect of training is closely mirrored in USMC basic training. Where the Royal Marine basic training takes a significant departure from USMC basic training is in the extensive counter-revolutionary/counter-terrorist training which each Royal Marine receives, to include an emphasis on the use of minimum force, search techniques and procedures, explosives,

police/civilian relations, interrogation/interview techniques, extensive first aid and patrolling skills. Also during basic training, each Royal Marine participates in a exercise in a remote training area, which includes scenarios with role playing by members of the training team, Army regulars and civilian law enforcement agents. Scenarios include shootings, bombings and riot control operations.

APPENDIX D

PRE-NORTHERN IRELAND TRAINING

Each time that a unit prepares to go to Northern Ireland, it begins a three month "Pre-Northern Ireland Training" package. This training is conducted at The Commando Training Center. The Northern Ireland Training Education Team (NITEC) is a special Army team, with Marine officers and noncommissioned officers assigned to it, which specializes in preparing the unit for deployment in Northern Ireland. Due to the dynamic nature of the political situation and the extreme differences in anticipated threat levels, depending on what sector of Northern Ireland the unit is being assigned to, the training philosophy is that "as soon as you leave Northern Ireland, your training is obsolete." Each pre-deployment training work-up begins from ground zero and each individual goes through the entire training package, regardless of how many previous deployments to Northern Ireland he has experienced. The Commanding Officer is responsible for tailoring his unit's training to ensure that special needs and threat intelligence demands are met.

While each Royal Marine has a basic indoctrination with special emphasis on counter-revolutionary and counter-terrorism tactics, pre-deployment training starts the unit from the bottom. The first several weeks consist of classroom lectures providing orientation and a historical perspective. There is renewed training on patrolling skills, which provide the foundation for all missions in Northern Ireland. Patrolling skills are extended to include foot, vehicle and heliborne patrolling. The Emergency Powers Act, which is still in effect in Northern Ireland, provides the military with powers of arrest, detention and search and seizure. These

powers are not authorized for military members under normal circumstances, just as they are denied the United States military under the Posse Comitatus Act. For this reason, special emphasis is placed on the Rules of Engagement (ROE) which are the unique rules governing the appropriate and allowable military responses to given threat situations. The ROE for British Royal Marines in Northern Ireland stress that minimal force is used and that the police are called in immediately in circumstances where the RUC is not on the scene. The decision as to whether to use lethal force (or non-lethal force) when faced with a rapidly deteriorating and extremely lawless situation, often rests in a firm grasp of the ROE, and as always "the devil is in the details." It is often a fine line between what is reasonable under the circumstances and what is an absolute necessity. Strip searching is authorized and performing strip searches requires specialized training to ensure that ROE are met to preclude political complications. When dealing with female suspects, a female member of the RUC is called in to perform the search.

Each Company deploys to Northern Ireland with special teams to provide the necessary intelligence, search, photographic and Explosive Ordnance Demolition (EOD) and non-organic assets. Since these assets are limited, each Royal Marine also receives specialized training in these areas.

Training includes special driving courses, escape and evasion tactics and driving of various types of vehicles, to include armored and unmarked vehicles.

Medical training is extensive due to the extremely violent nature of the injuries which result from terrorist activities. Not only do Royal Marines learn to perform triage and emergency life saving procedures, each Marine is expected to be able to start an intravenous drip and to take necessary measures to save or protect damaged limbs (often the result of knee-capping and other

methods of torture.) Navy medics who deploy with the unit go through a modified training program with their unit.

Each team, usually led by a noncommissioned officer is put through countless scenarios, provided by past experiences. The Ministry of Defence provides a team made up of Army personnel, civilian law enforcement agents and experts in terrorist activities who do role playing during the simulation exercises. The scenarios include responding to reports of a weapons cache in an inhabited building, responding to warnings of a bomb in a building, evacuation of areas, setting up road blocks, conducting house to house searches or dealing with the psychological impact of having a child on the street throw bottles, or being spat upon and verbally abused by the local citizens.

Psychological operations play a major role in deployments to Northern Ireland, particularly in those "hard" areas where Marines are denied normal freedom of movement and interaction with the outside world. Exercises designed to prepare the Marine for this environment, the isolation, the hostility and the horrors of terrorism, in addition to counseling and education on the warning signs of stress-related disruptions to normal capabilities are included in the training.

Perhaps the most highly specialized aspect of the pre-deployment training revolves around the final six weeks which are spent in a village in Kent which has been built to duplicate the numerous threat situations the unit would experience in Northern Ireland. There are numerous shooting ranges, all employing live fire, which simulate actual scenarios. These ranges are among the most sophisticated in the world and provide training for counter-terrorism specialists from many of Great Britain's allied nations, to include the FBI and United States

Special Forces. The ranges include urban and rural situations, cross border shootings, simulated sniper fire in a built up urban environment and hostage situations.

NOTES

¹ *National Military Strategy of the United States of America 1995: A Strategy of Flexible and Selective Engagement*, (Washington, DC: US Government Printing Office, 1995), ii.

² Frank J. Schira, "The War in America the Public Refuses to Face," *Violence in the Streets*, Ed. Shalom Endleman, (Chicago, IL: Quadrangle Books, 1968), 414.

³ *National Security Strategy of Engagement and Enlargement, The White House, February 1995*.

⁴ Roger Lane, Lt.Col., OBE RM, Foreign faculty member, Marine Corps University, Quantico, VA. Interview by author, 12 October 1995. Lt.Col. Lane specialized as a weapons training officer at the Royal Marine Commando Training Center. In 1978 he was assigned to Special Duties in Northern Ireland for a two year period. In 1982, following a second tour at the Commando Training Centre, he was reappointed to 42 Commando, where he completed another tour in Northern Ireland. In 1988 he returned to Northern Ireland for a third tour with 42 Commando, this time serving as the Operations Officer during a tour in Belfast. In 1992 he was assigned to the Northern Ireland Operations desk in the Ministry of Defence. His three operational tours in Northern Ireland, as Commanding Officer and Operations Officer, and his assignment to the Ministry of Defence have made him a subject matter expert in the area of British Royal Marine operations in Northern Ireland.

⁵ *Declaration of Independence*, published in Theory and Nature of War Readings, Volume III, United States Marine Corps, Command and Staff College, Academic Year 1995-96, 1-1 thru 1-3.

⁶ Peter Maslowski and Allan R. Millett, *For the Common Defense: A Military History of the United States of America*, (New York: The Free Press, A Division of Macmillan, Inc., 1984), 86-88.

⁷ *The Constitution of the United States*, An introduction by Floyd G. Cullop, (New York: Penguin Books, 1984), 113.

⁸ "Federalist No. 25," Alexander Hamilton, December 21, 1787, as published in Theory and Nature of War Readings, Volume III, United States Marine Corps, Command and Staff College, Academic Year 1995-96, I-4 thru I-7.

⁹ Maslowski and Millett, Op. Cit., 89-90.

¹⁰ Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders 1789-1878*, (Washington, D.C., Center of Military History, 1988), 19-21.

¹¹ Maslowski and Millett, Op. Cit., 89-90.

¹² Coakley, Op. Cit., 19-21.

¹³ *Compton's Encyclopedia*, Online Edition, under "Aaron Burr," downloaded from America Online (Dale City, VA: American Online Services), 10 March 1994. Burr and Thomas Jefferson had both run for President under the newly formed Republican party in the 1800 Presidential campaign, running against the Federalist candidate John Adams. This was the first two party election in this country. Burr and Jefferson tied, and the House of Representatives voted to break the tie, electing Jefferson as President and making Burr his Vice President. In 1804 Burr ran for Governor of New York and lost a closely contested election. He blamed his loss on Alexander Hamilton's "slander" and challenged him to a duel. Hamilton was killed in the duel and Burr was indicted for murder but served out his term as Vice President prior to being acquitted. In 1806 Burr took a group of armed men down the Ohio River, supposedly to establish settlements west of the Mississippi. He was accused of planning an invasion of Mexico, and conspiring to form an insurrectionist government in the southwest. He was tried for treason and acquitted.

¹⁴ Ibid., 77-81.

¹⁵ *Encyclopaedia Britannica*, 15th ed., under "Posse Comitatus."

¹⁶ Maslowski and Millett. Op. Cit., 241-244.

¹⁷ Coakley, Op. Cit., 307-309.

¹⁸ Ibid., 342-344.

¹⁹ Maslowski and Millett., Op. Cit., 247-248.

²⁰ United States Code, Title 18, section 1385.

²¹ James D. Delk, Major, USA, Ret., "Military Assistance in Los Angeles," *Military Review*, September 1992, 18. In the case of the L.A. Riots in April 1992, prior to federalization, the California Guardsmen were being paid a minimum of Sergeant's pay when called up for emergency duty and were able to accept a wide range of law enforcement missions at the request of the local law enforcement agencies. After federalization, junior enlisted Guardsmen experienced a significant cut in pay and rules of engagement, tasking limitations and arming orders were effected by imposition of Posse Comitatus restrictions.

²² FM 100-19/FMFM 7-10 *Domestic Support Operations*, 5-11.

²³ Ibid. 2-3.

²⁴ Ibid. 5-2.

²⁵ "Military Support to Civilian Authorities (MSCA)," *Emerald Express '95, Phase III Reading Materials*, Hosted by I Marine Expeditionary Force, FMF, Camp Pendleton, CA, 22-25 May 1995, 21.

²⁶ United States Code, Title 10, sections 331-334 and sections 371-381.

²⁷ SECNAVINST 5820.7B, Cooperation With Civilian Law Enforcement Officials, 28 March 1988.

²⁸ The following references were cited and referred to from an extract prepared by LCDR Jim Winthrop, Judge Advocate General's School, Administrative and Civil Law Division, in March 1995. They were initially prepared to provide clarification in the areas of Military Assistance to Law Enforcement Agencies to include Counter Narcotic Operations and Civil Disturbances.

DOD DIR. 3025.1 Military Support to Civil Authorities, 15 January 1993.

DOD DIR 3025.12 Military Assistance for Civil Disturbances.

DOD DIR 5525.5, DOD Cooperation with Civilian Law Enforcement Officials (w/change one), 21 February 1986.

AR 500-51, Support to Civilian Law Enforcement, 1 August 1983.

AR 700-131, Loan and Lease of Army Material, 4 September 1987.

AFR 55-35, Air Force Assistance to Civilian Law Enforcement Officials, 22 December 1986.

FM 100-19, Domestic Support Operations, July 1993.

DA-PAM 27-21, Administrative and Civil Law handbook, Chapter 3, 18 September 1990.

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²⁹ DOD Directive 3025.12, 4 February 1994, 4.

³⁰ Ibid., 6.

³¹ Center for Naval Analysis, *The U.S. Marine Corps and Domestic Operations: Insights on Requirements*, Annotated Briefing CAB 95-39.10, Alexandria, VA: Center for Naval Analyses, May 1995, 7.

³² Ibid., 7.

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³⁵ U.S. Riot Commission Report, Op. Cit., 99.

³⁶ "An American Tragedy, 1967-Detroit," Op. Cit., 19.

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⁴² Dotto, Op. Cit., 54.

⁴³ Mendel, Op. Cit., 101.

⁴⁴ Mendel, Op. Cit., 101.

⁴⁵ Delk, Op. Cit., 13.

⁴⁶ Ibid., 101.

⁴⁷ Mendel, Op. Cit., 102.

⁴⁸ Shelton, Op. Cit.

⁴⁹ Mendel, Op. Cit., 102.

⁵⁰ Steven Donziger, "Crime and Punishment: The Prison-Industrial Complex," *The Washington Post*, March 17, 1996, C3

⁵¹ "Violence in America," *US News and World Report*, January 17, 1994, 22-41.

⁵² "Crime Time Bomb," *US News and World Report*, March 25, 1996, 29-36.

⁵³ U.S. Department of Justice, Office of the Attorney General, "National Strategy to Coordinate Gang Investigations: A Report to the President and Congress," December 1995, 4.

⁵⁴ *Ibid.*, 13.

⁵⁵ Cheryl L. Maxson, Ph.D., "Street Gangs and Drug Sales in Two Suburban Cities," downloaded from *World Wide Web*, under keyword "street gangs," downloaded 23 March 1996, 7.

⁵⁶ *Ibid.*, 12.

⁵⁷ Irving Spergel et al. "Gang Suppression and Intervention: An Assessment." National Youth Gang Suppression and Intervention Program. School of Social Service Administration. University of Chicago. Prepared under grants from the Office of Juvenile Justice and Delinquency Prevention. Office of Justice Programs, U.S. Department of Justice, 1993: 3. As cited by Robert Maginnis, "Youth Gangs: Out of Control and Getting Worse," *Insight: Family Research Council*, downloaded from *World Wide Web*, under keyword "gangs," downloaded 23 March 1996.

⁵⁸ *Ibid.*, 2.

⁵⁹ Max Manwaring, Dr., Lecture to U.S. Marine Corps Command and Staff College on the topic of Gray Area Phenomena, Marine Corps University, Marine Corps Combat Development Command, Quantico, Virginia, 25 April 1996.

⁶⁰ Peter A. Lupsha and J. F. Holden Rhodes, "Horsement of the Apocalypse: GAP and the New World Disorder," *Low Intensity Conflict and Law Enforcement*, Vol.2 No. 2, London: Frank Cass Publishers, Autumn 1993, 213.

⁶¹ "National Strategy to Coordinate Gang Investigations: A Report to the President and Congress," 9.

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⁶³ "Northern Ireland: An Anglo-Irish Dilemma?" *The Institute for the Study of Conflict*, 2.

⁶⁴ "Northern Ireland: An Anglo-Irish Dilemma?," 7.

⁶⁵ Paul Bew, Peter Gibbon and Henry Patterson, *Northern Ireland 1921-1994: Political Forces and Social Classes*, (London: Serif, 1995), 165.

⁶⁶ Steve Bruce, "The Problems of 'Pro-State' Terrorism: Loyalist Paramilitaries in Northern Ireland," *Terrorism and Political Violence*, Volume 4, No. 1 (London: Frank Cass Publishing, Spring 1992), 68.

⁶⁷ "Key, Facts Figures & Themes," 3.

⁶⁸ Bruce, 77.

⁶⁹ *Key Facts, Figures and Themes*, 1.

⁷⁰ *Key Facts, Figures and Themes*, 1.

⁷¹ Lane, 12 October 1995 interview.

⁷² *Key Facts, Figures and Themes*, 10.

⁷³ John, Davies, Major RM, British Foreign Officer, Student, Marine Corps Command and Staff College, Marine Corps University, Quantico, VA. Interviewed 8 March 1996. Major Davies served two 6 month tours in West Belfast as a Platoon Commander and two years as the Operations Officer with a Special Operations unit involved in interdiction operations along the border of Northern Ireland. His most recent assignment, prior to attending the USMC Command and Staff College, was as the Northern Ireland Training Officer for 45 Commando Unit (45 Cdo RM) in preparation for deployment to Northern Ireland. The interview covered force structure, deployment rotations, and focused on special training for and employment in Northern Ireland.

⁷⁴ Paul Beaver, *Encyclopaedia of the Modern Royal Navy: Including the Fleet Air Arm & Royal Marines*, (Annapolis, MD: Naval Institute Press, 1982), 184.

⁷⁵ *National Strategy to Coordinate Gang Investigations*, Op. Cit., 2.

⁷⁶ *Ibid.*, 3.

⁷⁷ Delk, "Military Assistance in Los Angeles," 13.

⁷⁸ "Making a MEU: The Build Up." *Marines*, February 1996, 11.

⁷⁹ Delk, "Military Assistance in Los Angeles," 15.

⁸⁰ Ralph Peters, "Our Soldiers, Their Cities," *Parameters: The US Army's Professional Journal*, Spring 1996, 52.

⁸¹ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations*, (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967), 1.

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⁸³ JTF-6 was a training exercise between Marines from 1st Marine Division and civilian law enforcement agents and Drug Enforcement Agents in southern California.

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